REMARKS/ARGUMENTS

Claims 1 and 18 have been amended to refer to an *array* of elongate connecting portions attached to the *perimeter* of the pad. The retaining element is now defined as being capable of being *pushed to slide depthwise into the groove* in order to apply a *downward pulling force* to the connecting portions. The present invention is further distinguished by reciting the retaining element is *spaced apart from the pad* in anchored position within the groove by *a length of the connecting portions*. Support for the above amendments can be found in the specification as filed, referring to the published US application paragraphs [0035], [0042 - lines 6 to 16], [0048 - line 9], [0069], [0079], [0081] and [0085]. Claim 4 is amended to correct a typographical error. Claim 7 is amended to provide consistent spelling of the term depthwise. Claim 9 is amended to provide antecedent basis for the term "looped ends." Applicants request favorable reconsideration.

One objective of the subject invention is to minimize the extent of invasive surgery whilst providing means to allow a surgeon to successfully and comprehensively treat damaged cartilage present at or on the surface of a bone. This is achieved by removing only the damaged cartilage material and then forming a narrow groove around the excavated site to provide a means for anchoring a replacement element in position.

A further objective is to provide a repair kit that is simple and convenient firstly to assemble pre-implantation, and secondly to implant into the repair site by a surgeon.

A further objective of the subject invention is to provide a repair kit in which the replacement material is anchored firmly in position post implantation without risk of becoming dislodged subsequently.

The above objectives are achieved by providing a pad of bio compatible material having an *array* of connecting portions attached to the perimeter of the pad in which a retaining element may be pushed into the groove to exert a downward pulling force on the connecting portions to locate and retain the pad in position.

Claim Rejections – 35 USC § 102

The Office Action rejected claims 1-3, 9, 10, and 21 under Section 102(b) as being anticipated by Schwarz et al. (U.S. 6,468,314). Applicants respectfully submit that the amended claims are not anticipated by Schwartz.

Schwartz

Schwartz discloses a very different cartilage repair unit to that of the subject invention. Referring to the embodiment of figure 1 of Swartz, the unit comprises a plug 14 attached to an insert 16. Delivery unit 14 is designed to be pushed into the bone to secure insert in position. A porous film 22 is designed for placement over and about insert 16 and is held in position by barbs 21 extending from annular ring 20. Insert 16 is held in position at unit 14 by barbs 21' extending from radially projecting arms 28.

The assembled mushroom like plug is then simply forced into the bone and is prevented from dislodgement by radially projecting ribs 32. Unit 14 of the mushroom plug of Schwartz cannot be regarded as elongate connecting portions extending from the *perimeter* of the pad.

The Schwartz ring 20 is not configured to be *pushed to slide depthwise* into a groove and is instead configured to be slide along the length of unit 14 into contact with the insert 16 so as to retain it in position.

The Schwartz ring 20 is not configured to *exert a downward pulling force* on the connecting portions as it is slid depthwise into the groove.

The annular ring 20 of Schwartz is not *spaced apart from the pad* 16 when located in anchored position within the groove *by a length of the connecting portions.*

The subject invention, as recited by the amended claims differs significantly from the mushroom like head and stem plug of Schwartz. None of the various embodiments disclosed within Schwartz contains an array of elongate connecting portions attached to the perimeter of the pad with a retaining element capable of being pushed into the groove to exert a downward pulling force on these connecting portions wherein the retaining element is spaced apart from the pad in the anchored position. Accordingly, Applicants submit that the subject invention is not anticipated by Schwartz.

The Office Action rejected claims 18 and 19 under Section 102(b) as being anticipated by Seedhom et al. (U.S. Publication 2003/0135209), hereinafter Seedhom. Applicants respectfully submit that the amended claims are not anticipated by Seedhom.

Seedhom et al.

The Seedhom publication discloses a method for the repair of damaged tissue similar to the present invention. However, Seedhom publication does not disclose anchoring the biocompatible replacement material to the bone by the use of an *array of elongate connecting portions attached to a perimeter of the biocompatible replacement material* and a retaining element configured to be *pushed to slide depthwise into the groove* in order to apply a *downward pulling force* to the connecting portions. The invention of claim 18 is further distinguished by reciting the retaining element is *spaced apart from the biocompatible replacement material* in anchored position within the groove by *a length of the connecting portions*. Accordingly, Applicants respectfully submit that the invention of claims 18 and 19 is not anticipated by Seedhom.

Claim Rejections – 35 USC § 103

The Office Action rejected the remaining claims under Section 103(a) by combining the teachings of Schwartz et al. with Goulet et al. (U.S. Publication 2007/0005138), Seedhom et al. (U.S. Publication 2003/0135209), Schmieding (U.S. 7,264,634), and Johanson et al. (U.S. Publication 2002/0042624). None of the additional documents cited by the Examiner disclose or teach towards the provision of an array of elongate connecting portions attached to the perimeter of the pad and a retaining element to anchor such connecting portions, and hence the replacement material, in position. Accordingly, Applicants respectfully submit that the combination of Schwartz with the secondary references fails to teach or suggest each and every claim element recited in the rejected claims. Therefore, Applicants request withdrawal of the rejections under Section 103(a).

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

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The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-0843.